

HOUSE BILL No. 1115

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-25-2-12; IC 31-33-7-7.5; IC 35-48-4-7.

Synopsis: Controlled substances and children. Requires the department of child services (DCS) to notify the appropriate prosecuting attorney concerning the birth of a child who is born with fetal alcohol syndrome or with a controlled substance or legend drug in the child's body. Requires a law enforcement agency to inform a local office of the DCS when the law enforcement agency arrests a person for any of the crimes the conviction of which renders the offender a "sex or violent offender". Provides that a woman who knowingly or intentionally consumes a controlled substance or a legend drug while knowing she is pregnant commits a Class D felony if the woman's pregnancy results in the birth of a child and the body of the child contains any amount, including a trace amount, of a controlled substance or legend drug.

Effective: July 1, 2009.

Cheatham

January 8, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1115

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-25-2-12, AS ADDED BY P.L.145-2006,
2 SECTION 271, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 12. **(a)** The department shall give
4 notice of the existence and location of photographs, x-rays, and
5 physical medical examination reports to:

- 6 (1) the appropriate prosecuting attorney; and
7 (2) the appropriate law enforcement agency, if the law
8 enforcement agency has not already received the items described
9 in this section under IC 31-33-10-3.

10 **(b) The department shall notify the appropriate prosecuting**
11 **attorney concerning a child born with:**

- 12 **(1) fetal alcohol syndrome; or**
13 **(2) any amount, including a trace amount, of a controlled**
14 **substance or a legend drug in the child's body.**

15 SECTION 2. IC 31-33-7-7.5 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2009]: Sec. 7.5. **(a) When a law enforcement agency arrests a**



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1 person for an offense that is listed in IC 11-8-8-5, the law
2 enforcement agency shall inform the local office of the arrest.

3 (b) When a law enforcement agency arrests a person for an
4 offense that is a felony but is not listed in IC 11-8-8-5, the law
5 enforcement agency may inform the local office of the arrest.

6 SECTION 3. IC 35-48-4-7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A person who,
8 without a valid prescription or order of a practitioner acting in the
9 course of his the practitioner's professional practice, knowingly or
10 intentionally possesses a controlled substance (pure or adulterated)
11 classified in schedule I, II, III, or IV, except marijuana or hashish,
12 commits possession of a controlled substance, a Class D felony.
13 However, the offense is a Class C felony if the person in possession of
14 the controlled substance possesses the controlled substance:

15 (1) on a school bus; or

16 (2) in, on, or within one thousand (1,000) feet of:

17 (A) school property;

18 (B) a public park;

19 (C) a family housing complex; or

20 (D) a youth program center.

21 (b) A person who, without a valid prescription or order of a
22 practitioner acting in the course of his the practitioner's professional
23 practice, knowingly or intentionally obtains:

24 (1) more than four (4) ounces of schedule V controlled substances
25 containing codeine in any given forty-eight (48) hour period
26 unless pursuant to a prescription;

27 (2) a schedule V controlled substance pursuant to written or
28 verbal misrepresentation; or

29 (3) possession of a schedule V controlled substance other than by
30 means of a prescription or by means of signing an exempt
31 narcotic register maintained by a pharmacy licensed by the
32 Indiana state board of pharmacy;

33 commits a Class D felony.

34 (c) A person who knowingly or intentionally consumes a
35 controlled substance or a legend drug while knowing she is
36 pregnant commits a Class D felony if:

37 (1) the person's pregnancy results in the birth of a child; and

38 (2) the body of the child to whom the person gives birth
39 contains any amount, including a trace amount, of a
40 controlled substance or legend drug.

41 However, this subsection does not apply to a person who has a
42 valid prescription or order issued by a practitioner acting in the

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1 course of the practitioner's professional practice for the controlled
2 substance contained in the body of the child to whom the person
3 gives birth.

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